

**PUBLIC MEETING
October 12, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Derek Brown and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included K. Paul Stahl, Eric Bryson, Kelly Blake, Misty Edwards, Christal Ness, Rebecca Shaw, Jake Troyer, Mark Simonich, Ron Bartsch Jeff and Terri Claassen, David Carr, Delvin and Bonita Gebhardt, Martin Balukas, Shawn Bryant, John Cassidy, Stephen B. Moore, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-315 Declaring County Property Surplus Property (Amy Reeves)
- b. Resolution 2010-316 Ordering a Refund of Taxes/Fees/Assessments Paid by Associated Agency, Inc., in the Amount of \$1,673.69. (Cheryl Green)

No public comments were received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Proposed Modification of Conditions of Approval for the Preliminary Approved Lakeside Village on Hauser, Lot 2A Amended Major Subdivision with Request for Variance. (Applicant: Merrit & Marie, LLC (Conrad Hale)) (Planner: Greg McNally) (Continued from 10-7-10)

Kelly Blake reported that the applicant has requested this matter be postponed until October 19th.

Commissioner Brown moved to table the item until Tuesday, October 19. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

McDonough Ranch Conservation Easement. (Rebecca Shaw). A proposal to use \$750,000 of the Open Lands bond funds to secure a conservation easement on the McDonough Ranch. The property contains 7,175 acres and is located on the southern end of the Rocky Mountain Front. The sponsoring agencies are the Conservation Fund and the U.S. Fish and Wildlife Service. Decision Date Following 30-day Comment Period: October 7, 2010. (Decision)

Rebecca Shaw stated that no additional comments were received. The flow chart showed the application process. Next steps were reviewed and staff will get together with the sponsoring agencies to perform some due diligence work on the property.

Commissioner Murray noted that all three Commissioners, Mr. Bryson and Mrs. Shaw drove the Lewis & Clark County Pass Road on their return from Augusta last Friday. They entered through the open gate on Section 16 and drove to the two cabins at the foot of Lewis & Clark Pass. There was no discussion amongst the individuals.

Moving to due diligence allows county staff to do a more detailed analysis to ensure compliance with conservation easement requirements. After discussion about the size of the investment, the relative merits of the project, and looking for additional financial partners, Commissioner

Hunthausen moved for general support of the conservation project and proceed with the due diligence phase of the project. Commissioner Brown seconded the motion. The motion carried 3-0.

Lot A-1A Amended of the H.W. Smith Minor Subdivision (a.k.a. Heron Creek Major Subdivision).
(Applicant: Ron Bartsch) (Planner: Greg McNally)

Kelly Blake presented the staff report in the absence of Mr. McNally. The preliminary approval period was not to exceed three calendar years and would expire on September 18, 2010. On September 30, 2010, planning staff received an extension request from the applicant.

Ron Bartsch, 184 Saddle Mountain Drive. He reviewed his letter requesting an extension of the subdivision process and acknowledged that it was submitted nine days late. He talked about the extensive amount of work that has been completed to date.

Deputy County Attorney, K. Paul Stahl, explained that the statute permits county commissioners to grant an extension to the preliminary approval within a "reasonable" time of the expiration of that period.

Martin Balukas, 5540 Keir Lane. Ask for a clarification on what the Commission's action is today.

Terri Claassen, 5545 Keir Lane. Objected to consideration of an extension.

Jeff Claassen, 5545 Keir Lane. Addressed concerns of extending the deadline, traffic safety at Eames and Canyon Ferry Road, weeds, use of an illegal access on Keir Lane, loss of farm ground, non-compliance on the stormwater runoff permit with DEQ.

Steve Moore, 3740 Eames Lane. Opposed the extension.

No other comments were received.

Eric Bryson stated that the action today was whether the Commission would set this for a future hearing to discuss whether an extension will be granted.

Commissioner Brown moved to approve consideration of the extension. Commissioner Hunthausen seconded the motion. The motion carried 3-0.
The public hearing would be scheduled for November 8, 2010.

Request for Waiver of Permit Fee on Behalf of the Lincoln/Lewis and Clark Sewer District for an Encroachment Agreement, Replacing a Portion of Sewer Line in Second Street North. (Christal Ness, Permit Coordinator)

Christal Ness presented the staff report. The sewer district has been having some trouble with this line which serves a residence and they would like to get it repaired before the ground freezes. The commission would consider the encroachment agreement at a later date.

No public comment was received.

Commissioner Hunthausen moved to approve the waiver of permit fee. Commissioner Brown seconded the motion. The motion carried 3-0.

Montana Wilderness Association Presentation on Sleeping Giant Wilderness Area. (Jake Troyer, Outreach Coordinator)

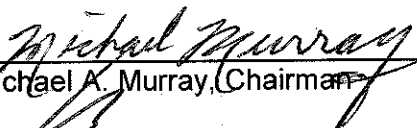
Jake Troyer, 510 North Raleigh. The presentation was put together by the local campaign, the Sleeping Giant and Gates of the Mountains addition. The mission of the Association is to protect Montana's wilderness heritage. Handouts included maps and boundaries for landowners in the area. The history of the Sleeping Giant and Gates of the Mountains Wilderness Area was explained. The eastern unit, known as the Sleeping Giant Wilderness Study Area encompasses approximately 6,500 acres. The Giant's knees dominate the western unit which includes approximately 3,900-acre Sheep Creek Wilderness Study Area, plus 3,000 acres of adjoining roadless lands. Lewis and Clark passed through the area July 18-20, 1805.


These historic landscapes can be protected by designating them as wilderness. The association is now outreaching to landowners and will be doing presentations across the valley. A current threat facing the Giant is the Bureau of Land Management which released an Environmental Assessment to consider leasing parts of the Sleeping Giant and surrounding areas for oil and gas drilling.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 10:47 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board